

IN THE UNITED STATES SUPREME COURT

No. UNITED STATES

Plaintiff-Appellee

JORGE DIAZ-CASTRO

Petitioner-Appellant

v.

COMMONWEALTH OF PUERTO RICO; PUERTO RICO POLICE DEPARTMENT

Defendants-Appellees

MOTION FOR LEAVE TO APPEAR IN FORMA PAUPERIS
TO FILE A PETITION FOR A WRIT OF CERTIORARI

TO THE HONORABLE STEPHEN BRAYER, ASSOCIATE JUSTICE:

1. Jorge Diaz Castro, as Applicant for an extension of time to file a Petition for a Writ of Certiorari in the instant case, moves for leave to appear *in forma pauperis* pursuant to 28 U.S.C. § 1915, and to Rule No. 39 of the Rules of the Supreme Court of the United States. Movant is unable to make full prepayment of fees or to give security therefore; and believes that he is entitled to Petition for a Writ of Certiorari; and have not divested myself of any property, monies, or any items of value for the purpose of avoiding payment of fees.
2. *In forma pauperis* status was granted for the appeal at the Honorable First Circuit Court of Appeals, upon application to the Honorable U.S. District Court for Puerto Rico.
3. Since this motion accompanies an application for extension of the time to file, only two copies of the motion are being hereby included.

Continued...

IN THE UNITED STATES SUPREME COURT
MOTION FOR LEAVE TO APPEAR IN FORMA PAUPERIS
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FOR ALL THE REASONS STATED ABOVE, Movant requests that the Honorable United States Supreme Court, and the Honorable Associate Justice Stephen Brayer, grant *in forma pauperis* status; to file a Petition for a Writ of Certiorari.

WHEREFORE, Applicant Jorge Diaz-Castro hereby respectfully moves this Honorable United States Supreme Court, and the Honorable Associate Justice Stephen Brayer, grant *in forma pauperis* status; to file a Petition for a Writ of Certiorari.

RESPECTFULLY SUBMITTED, in San Juan, P.R., on June 2nd, 2014.



Jorge Diaz-Castro, PRO SE
P.O. Box #9021288
San Juan, P.R. 00902-1288
Email: transcripciones@mail.com

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CERTIFICATE OF SERVICE

Applicant certifies that on Monday, June 2, 2014, he will file a "Notice of Application Filed" electronically at the Honorable First Circuit Court of Appeals with the Clerk of the Court which, on information and belief, shall automatically notify counsel of record which are CM/ECF system participants at the corresponding email address, and which pursuant to Rule 29 (3) of the Rules of the Supreme Court of the United States, constitutes the equivalent service.

In addition, since the United States is a Party, a copy shall be mailed on June 5, 2014, to the Solicitor General of the United States, Room 5614, Department of Justice, 950 Pennsylvania Ave., N. W., Washington, DC 20530-0001, pursuant to Rule 29 (4)(a) of the Rules of the Supreme Court of the United States.



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**AFFIDAVIT ACCOMPANYING MOTION
FOR PERMISSION TO APPEAL IN FORMA PAUPERIS**

United States of America, Plaintiff,

District Court No. 2012-CV-02039

Appeal No. No. 13-2079, No. 13-2306

v.

Commonwealth of Puerto Rico, Defendant;
Jorge Diaz-Castro, Proposed Intervenor

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Signed: 

Instructions

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Date: June 2nd, 2014.

My issues on appeal are:

Please see relevant motion(s).

1. *For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$0.00	\$n/a	\$0.00	\$n/a
Self-employment	\$0.00	\$n/a	\$0.00	\$n/a
Income from real property (such as rental income)	\$0.00	\$n/a	\$0.00	\$n/a
Interest and dividends	\$0.00	\$n/a	\$0.00	\$n/a
Gifts	\$0.00	\$n/a	\$0.00	\$n/a
Alimony	\$0.00	\$n/a	\$0.00	\$n/a
Child support	\$0.00	\$n/a	\$0.00	\$n/a
Retirement (such as social security, pensions, annuities, insurance)	\$0.00	\$n/a	\$0.00	\$n/a
Disability (such as social security, insurance payments)	\$0.00	\$n/a	\$0.00	\$n/a
Unemployment payments	\$0.00	\$n/a	\$0.00	\$n/a

Public-assistance (such as welfare)	\$112.00	\$n/a	\$112.00	\$n/a
Other (specify):	\$0.00	\$n/a	\$0.00	\$n/a
Total monthly income:	\$112	\$0	\$112	\$0

2. *List your employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
Unemployed since 12/2002.	n/a	n/a	\$n/a
---	---	---	\$---
---	---	---	\$---

3. *List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)*

Employer	Address	Dates of employment	Gross monthly pay
Single, n/a	n/a	n/a	\$n/a
---	---	---	\$---
---	---	---	\$---

4. *How much cash do you and your spouse have? \$10.00 (ten U.S. dollars)*

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
No bank accounts at present.	n/a	\$n/a	\$n/a
---	---	\$---	\$---
---	---	\$---	\$---

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. *List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.*

Home (Value)	Other real estate (Value)	Motor vehicle #1 (Value)
No home.	No other real estate.	\$No automobile.
		Make and year: n/a
		Model: n/a
		Registration #: n/a

Motor vehicle #2	Other assets	Other assets
(Value) \$n/a	(Value) \$No other major asset.	(Value) \$n/a
Make and year: n/a		
Model: n/a		
Registration #: n/a		

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
None.	\$n/a	\$n/a
---	\$---	\$---
---	\$---	\$---
---	\$---	\$---

7. State the persons who rely on you or your spouse for support.

Name (or, if under 18, initials only)	Relationship	Age
I am only responsible for myself, financially.	Self.	51
n/a	n/a	n/a
---	---	---

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$0.00	\$n/a
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$0.00	\$n/a
Home maintenance (repairs and upkeep)	\$0.00	\$n/a
Food	\$102.00	\$n/a
Clothing	\$0.00	\$n/a
Laundry and dry-cleaning	\$0.00	\$n/a
Medical and dental expenses	\$0.00	\$n/a
Transportation (not including motor vehicle payments)	\$10.00	\$n/a
Recreation, entertainment, newspapers, magazines, etc.	\$0.00	\$n/a
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renters:		
Life:	\$0.00	\$n/a
Health:	\$0.00	\$n/a
Motor vehicle:	\$0.00	\$n/a
Other:	\$0.00	\$n/a
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$0.00	\$n/a

Installment payments		
Motor vehicle:	\$ 0.00	\$ n/a
Credit card (name):	\$ 0.00	\$ n/a
Department store (name):	\$ 0.00	\$ n/a
Other:	\$ 0.00	\$ n/a
Alimony, maintenance, and support paid to others	\$ 0.00	\$ n/a
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ 0.00	\$ n/a
Other (specify):	\$ 0.00	\$ n/a
Total monthly expenses:	\$ 112	\$ 0

9. *Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?*

Yes No If yes, describe on an attached sheet.

10. *Have you spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit?*

Yes No If yes, how much? _____

11. *Provide any other information that will help explain why you cannot pay the docket fees for your appeal.*

As stated elsewhere, I am handicapped; in need of medical attention; and therefore, unfortunately, am not able to seek gainful employment.

12. *State the city and state of your legal residence:* San Juan, Puerto Rico

Your daytime phone number: (787) 767-7355 (message)

Your age: 51 *Your years of schooling:* bachelor's degree

Last four digits of your social-security number: 6825

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Defendants-Appellees

**APPLICATION FOR EXTENSION OF TIME TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

TO THE HONORABLE STEPHEN BRAYER, ASSOCIATE JUSTICE:

I. INTRODUCTION:

Jorge Diaz-Castro, PRO SE Applicant in the instant case, hereby requests an extension of time according to Sup. Ct. R. 13(5) of sixty (60) days to complete the filing of a Petition for a Writ of Certiorari at the Honorable United States Supreme Court. The instant petition to extend time is directed to the Honorable Stephen Brayer, Associate Justice, according to the allotment order dated September 28th, 2010.

II. FACTUAL AND PROCEDURAL BACKGROUND FOR RELIEF:

On January 17th, 2014, Judgment was entered in U.S.C.A. Case(s) No. 13-2079 and 13-2306 at the Honorable First Circuit Court of Appeals. Applicant filed a timely "Petition for Panel Rehearing and/or Rehearing En Banc" on March 3rd, 2014, which was denied on March 13th, 2014. The mandate issued on April 14th, 2014.

Continued...

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APPLICATION FOR EXTENSION OF TIME TO FILE PETITION

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At all times, Applicant has been representing himself PRO SE; both at the Honorable United States District Court for Puerto Rico; and at the Honorable First Circuit Court of Appeals. In addition, because of Applicant's poor economic situation, the cases at the Honorable First Circuit Court of Appeals were certified *in forma pauperis*, upon application to the Honorable United States District Court for the District of Puerto Rico. An application to proceed *in forma pauperis* at the Honorable United States Supreme Court is being filed separately, but simultaneously, with the filing of the instant application.

III. JURISDICTION:

Rule 13(5) of the Rules of the Supreme Court of the United States states, in relevant part:

For good cause, a Justice may extend the time to file a petition for a writ of certiorari for a period not exceeding 60 days. An application to extend the time to file shall set out the basis for jurisdiction in this Court, identify the judgment sought to be reviewed, include a copy of the opinion and any order respecting rehearing, and set out specific reasons why an extension of time is justified. The application must be filed with the Clerk at least 10 days before the date the petition is due.... For the time and manner of presenting the application, see Rules 21, 22, 30, and 33.2.

Also, Rule 13(3) of the Rules of the Supreme Court of the United States states, in relevant part:

The time to file a petition for a writ of certiorari runs from the date of entry of the judgment or order sought to be reviewed, and not from the issuance date of the mandate (or its equivalent under local practice).

Continued...

IN THE UNITED STATES SUPREME COURT
APPLICATION FOR EXTENSION OF TIME TO FILE PETITION
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Rule 13(1) of the Rules of the Supreme Court of the United States states, in relevant part:

Unless otherwise provided by law, a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a ... United States court of appeals ... is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment.

Furthermore, Rule 30(3) of the Rules of the Supreme Court of the United States states, in relevant part:

An application to extend the time to file petition for Writ of Certiorari...shall be made to an individual Justice and presented and served on all other parties as provided by Rule 22.

Hence, the term to file a Petition for a Writ of Certiorari will expire on June 11th, 2014.

The instant application for extension of the time to file is timely.

IV. DISCUSSION OF THE MERITS OF THE RELIEF REQUESTED:

In September of 2005, Applicant accidentally severed a tendon in the index finger of his right hand, which became ossified. Two medical reports (in Spanish) support this statement. The first is by Dr. Isamaris Veguillas, family physician; the second is by Dr. Jose A. Santiago, hand surgeon. They are to be included in the record, as Appendix I-A and I-B, respectively. In addition, in September of 2009 Applicant was the victim of a hit-and-run driver who impacted his right knee. In support of this statement, Applicant is including a copy of his Puerto Rico Automobile Accident Compensation Administration (A.C.A.A., in Spanish) card; to be included in the record as Appendix II.

Continued...

IN THE UNITED STATES SUPREME COURT
APPLICATION FOR EXTENSION OF TIME TO FILE PETITION
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The report by Dr. Veguillas states, in Section I-E, on page 3: "Patient has difficulty writing, typing, or carrying heavy objects with his right hand; specifically with the second finger of that hand [right index finger]." The report by Dr. Santiago states, in Section X, on page 5: "Patient is going to need surgery and a period of therapy and rehabilitation that may take from 6 to 12 years." Because of this condition, it is difficult for Applicant to type legal documents; and he needs the additional time to do so.

Furthermore, it is Applicant's belief that he has been denied medical treatment in reprisal for his attempt to vindicate the rights of PRPD police officers by the A.C.A.A. Applicant can walk, but very slowly, and only for relatively short distances. He has experienced difficulty in renewing his health insurance, despite various attempts in good faith to do so. See Appendix III, a copy of Applicant's expired health insurance card.

The Honorable Justice Scalia has noted that an applicant has to show "good cause" to have an application to extend time approved. Perry v. Tex., 515 U.S. 1304, 132 L. Ed. 2d 887 (1995). See also Madden v. Texas, 498 U.S. 1301, 112 L. Ed. 2d 1026, 111 S. Ct. 902 (1991). Although Applicant has been aware of the situation for over a year, there is very little he can do to remedy the situation, at present.

Applicant did not have an opportunity to file an Appellate Brief at the Honorable First Circuit Court of Appeals; largely due to the continued interruptions he was subject to while drafting the legal documents he presented. Applicant would welcome the opportunity to present in his case a full brief, if given the opportunity.

Continued...

IN THE UNITED STATES SUPREME COURT
APPLICATION FOR EXTENSION OF TIME TO FILE PETITION
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V. CONCLUSION AND SUMMARY:

For all the reasons stated above, Applicant requests that the Honorable United States Supreme Court, and the Honorable Associate Justice Stephen Brayer, grant the additional term of sixty (60) days to file the petition for a Writ of Certiorari; until August 10th, 2014.

WHEREFORE, Applicant Jorge Díaz-Castro hereby respectfully moves this Honorable United States Supreme Court, and the Honorable Associate Justice Stephen Brayer, grant the sixty (60) day extension of time requested to file the Petition for a Writ of Certiorari.

RESPECTFULLY SUBMITTED, in San Juan, P.R., on June 2nd, 2014.



Jorge Díaz-Castro, PRO SE
P.O. Box #9021288
San Juan, P.R. 00902-1288
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Jorge Diaz-Castro, PRO SE
P.O. Box #9021288
San Juan, P.R. 00902-1288
Email: transcripciones@mail.com

Appendix I-A

Report by

Dr. Isamans Vegaik
Family Physician

GOBIERNO DE PUERTO RICO
DEPARTAMENTO DE LA FAMILIA
ADMINISTRACION DE REHABILITACION VOCACIONAL
SAN JUAN, PUERTO RICO

L PRIMERA PARTE:

INFORME MEDICO

De volver

Nombre: Jorge Díaz Casiano

Dirección: Calle Rr. Fco. Calós #60, Rio Piedras, PR 00928

Seguro Social: 263-68-6825 Sexo: M Edad: 45 Teléfono: 787-781-6128

A. Condición Primaria

Diagnóstico: (favor indicar clasificación, según ICD9 y clasificación terapéutica y funcional; si aplica)

Fractura 2do finger al lado izquierdo

MDCT/IR/US/ultrasonido

RT/RCM

NO

NO

Tratamiento actual: (incluya medicamentos indicados)

NIA

Frecuencia:

NIA

Elecciones secundarios: (si alguno)

NIA

Fecha inicio de tratamiento:

NIA

Resultados: Laboratorios:

NIA

Rayos X:

NO

Otros:

NO

Hospitalización: SI NO

¿Cuáles?

Fecha última hospitalización:

Razón:

Institución donde se hospitalizó:

NIA

Recomendaciones:

NIA

NOMBRE DEL CONSUMIDOR: Jorge Diaz Casino NOMBRE DEL MEDICO: Dra. Marisol Diaz Casino

B. Condición Secundaria (si aplica).

Diagnóstico: (favor indicar clasificación, según ICD9 y clasificación terapéutica y funcional; si aplica) Pelvis y hombro lumbalgia y fractura.

Tratamiento actual: (incluya medicamentos indicados) N/A

Frecuencia: N/A

Efectos secundarios: (si alguno) N/A

Fecha inicio de tratamiento: N/A

Resultados: Laboratorios: N/A Rayos X: _____ Otros: _____

Hospitalización: SI NO ✓ ¿Cuántas? _____ Fecha última hospitalización: _____

Razón: _____

Institución donde se hospitalizó: N/A

Recomendaciones: _____

C. Otras Condiciones (si aplica)

Diagnóstico: (favor indicar clasificación, según ICD9 y clasificación terapéutica y funcional; si aplica) N/A

Tratamiento actual: (incluya medicamentos indicados) N/A

Frecuencia: N/A

Efectos secundarios: (si alguno) N/A

Fecha inicio de tratamiento: N/A

Resultados: Laboratorios: N/A Rayos X: _____ Otros: _____

Hospitalización: SI NO ✓ ¿Cuántas? _____ Fecha última hospitalización: _____

Razón: N/A

Institución donde se hospitalizó: _____

Recomendaciones: _____

HOMBRE DEL CONSUMIDOR: Jorge Diaz Gómez HOMBRE DEL MÉDICO: _____

D. Historial de Adicción

Drogas: SI NO

Alcohol: SI NO

¿Ha recibido tratamiento? SI NO

Dónde? _____

Especifique por cuál:

N/A

Recomendaciones:

N/A

E. Basándose en el historial clínico, antes señalado, indique: pronóstico, limitaciones, habilidad y capacidad

para trabajar: Dificultad para escribir; leer o
comunicarse (en la mesa de trabajo)
que se agrieta con el uso de este menú

Nombre del Médico: Dominic Villalba Seguro Social: _____

Especialidad: OT Lc. 161539

Dirección: CDT Río Piedras

Teléfono: CDT 11018478

161539 Firma del Médico

7/1964 Fecha

Nota:

esta es la 2da visita del paciente
anterior intitución de la farmacia
que anteriormente
que era una adicción a los opiáceos (morfina)
se trataba en CDT Río Piedras - Sintesis
por lo tanto, la otra en otra farmacia
información.

161539

IV. CONDICIONES AMBIENTALES		No se afecta función	Paciente no puede expponerse a condiciones ambientales	LIMITACIONES
1. calor extremo	C			El paciente puede expponerse a condiciones ambientales hasta 2.27 horas
2. condiciones atmosféricas	C			El paciente puede expponerse a condiciones ambientales hasta 2.27 horas
3. exposición a doblete solar	C			El paciente puede expponerse a condiciones ambientales hasta 2.27 horas
4. exposición a radiación	C			El paciente puede expponerse a condiciones ambientales hasta 2.27 horas
5. frío extremo	C			El paciente puede expponerse a condiciones ambientales hasta 2.27 horas
6. rugido o humedo	C			El paciente puede expponerse a condiciones ambientales hasta 2.27 horas
7. nivel de luminosidad de sonido	C			El paciente puede expponerse a condiciones ambientales hasta 2.27 horas
8. vibración	C			El paciente debe limitarse a un ambiente de trabajo de sonido moderado
9. otras condiciones	C			El paciente tolera las condiciones de trabajo de sonido alto
No se afecta función				El paciente tolera las condiciones de trabajo de sonido muy alto
10. químicos causantes	C	El paciente puede expponerse a condiciones ambientales	El paciente no puede expponerse a condiciones ambientales hasta 2.27 horas	El paciente no puede expponerse a condiciones ambientales hasta 3.27 horas
11. otros altos y peligrosos	C			
12. trabajo a la temperatura	C			
13. trabajo con equipo	C			
14. vibración	C			
V. TRABAJAMIENTOS		LIMITACIONES		
1. comunicar	No se afecta	Paciente no tiene habilidad para ejercer		
2. dirigir, controlar, planificar	C	Paciente no tiene habilidad para ejercer		
3. hacer juicio y tomar decisiones	C	Paciente tiene habilidad para ejercer		
4. persuadir	C	Paciente tiene habilidad para ejercer		
5. realizar tareas rutinarias	C	Paciente tiene habilidad para ejercer		
6. realizar tareas variadas	C	Paciente tiene habilidad para ejercer		
7. relaciones interpersonales	C	Paciente tiene habilidad para ejercer		

11/8/07, 10:00 a.m.

Appendix I-B

Report by

Dr. José A. Santiago

Hand Surgeon

Gobierno de Puerto Rico
Departamento de la Familia
ADMINISTRACIÓN DE REHABILITACIÓN VOCACIONAL
San Juan, Puerto Rico

SOLICITUD DE EVALUACIÓN MÉDICA

Fisiatra

Neurólogo

Ortopeda

1. Datos del Caso

Díaz Castro, Jorge (de Jesús) 45. M soltera
(Apellidos) (Nombre) (Inicial) (Edad) (Sexo) (Estado Civil)

Calle Rev. Eco. Colón #60 Río Piedras, PR 00925
(Dirección) (Pueblo) (Estado)

Resumen del Caso: El cliente refiere que en agosto del 2005, sufrió una cortadura en el dedo índice de su mano derecha al abrir una latita de Pasta de Guayaba. En el proceso, se fracturó la cuña y la intertalanza proximal, y se cercenó el tendon.

Objetivo Vocacional: El cliente, interesa re-adiestrarse en algunas ocupaciones que haga uso de la computadora, que utilice su educación.

Ocupación usual: transcripción médica

Descripción del empleo anterior: transcripción de informes médicos en computadora

¿El consumidor está bajo tratamiento médico?

Sí. El cliente está interesado en operarse (de ser necesario), con el propósito de recuperar movilidad en el dedo índice de la mano derecha.

Fecha

Firma (Consejero)

I. Historial enfocado al impedimento físico:

¿Cuándo y cómo se produjo el impedimento?

Se cayó trabajando una
lata en miel en un almacén 2/25

En caso de dolor crónico musculoesquelético:

- a. Localización
- b. Frecuencia
- c. Duración
- d. Cómo se maneja
- e. Cómo se empeora

① Dolor en la espalda ② Cinturón ③ Trabajo de oficina

Medicamento o equipo asistivo utilizado:

Cómo el impedimento infiere con:

- a. Labores personales (ADL)
- b. Labores en el hogar
- c. Empleo
- d. Relaciones interpersonales
- e. Lado diestro

Mi lado diestro le impide ejecutar sus tareas

Historial de condiciones médicas relacionadas al impedimento:

- a. Vejiga neurogénica
- b. UTI
- c. Espasticidad
- d. Ulceras de presión
- e. Contracturas
- f. Hueso heterotrópico
- g. Cond. Cardiovasculares
- h. Cond. pulmonares
- j. Cond. gastrointestinales
- k. Intestino neurogénico
- l. Cond. mentales
- o. H.I.V.
- m. Historial sexual
- n. Drogas y alcohol
- (Depresión ansiedad)

II. Historial de condiciones médicas no relacionadas al impedimento

Enfermedades sistemáticas

lengua

-3-

Alergias None

Medicamentos None

III. Historial Pasado

Accidentes y tratamientos None

Operaciones Appendicitis - 1987

IV. Historial Ocupacional

Ocupación antes del accidente Therapist & recent med. ass.

Nivel de educación Postgraduate Clinical

Barreras estructurales del hogar y empleo

Objetivo Vocacional Medicines for the elderly

V. Repaso de Sistemas

None

VI. Resultados de estudios recientes

None on form

VII. Examen físico

Status mental MMI
 Orientación X3
 Memoria Y3 local
 Agresividad MM
 Nivel de atención MM MM
 Comunicación MM MM
 Cabeza y cuello MM
 Campos visuales, Visión (con y sin corrección) MM MM MM
 Extremidades y Tronco MM MM MM MM MM
 RON 1 MM
 "Muscle Test" MM
 Atrofia MM
 Sensorial MM
 "Pinprick" \ Vibración \ Posición MM MM
 DTR's MM MM
 Reflejos patológicos MM
 Maniobras musculoesqueléticas (Tinelis, Adson, SRL, etc.)
 Patrón de marcha
 Largo de pierna
 Piel
 Deformidades
 Técnicas de transferencias
 Postura de pie y sentado
 Patrones de movimiento: Voluntario e Involuntario

VIII. Resumen

Paciente de 45 años de edad con inicio a los 30 años de dolor en cadera con evolución a una etapa de dolor en rodilla y dolor en el resto de articulaciones con actividad física que no se耐eran cesar

IX. Diagnósticos (ICD-9)

Dolor ónico a obstrucción dolor en flexión
 contractura de 180 grados en flexión

X. Recomendaciones:

Laboratorios para descartar

Radiografías para descartar

EMG +NCV para descartar

Tratamiento

a. medicamentos

b. equipos asistivo protesis ✓

c. ortosis

Evaluaciones

Pre-vocacional ("workstation")

Servicios (de acuerdo a las necesidades y metas)

PT. # terapias

OT. : funcional, ADL, "Homemaking" , Perceptual \ Pre-vocacional ✓

Terapia del habla

Sicólogo

Urólogo

Neurosiquiatra (Screening) \ TBI (staff presentation)

Referidos a otros especialistas y médicos de la salud

Admisión

Alta

Seguimiento

Educación en salud y Rehabilitación

11/7/07
Fecha

Paciente va a nece
sidad y con posib
ilidad de adaptación
para la deuda de
6 a 12 años

Ugarte 914
Firma & # Licencia

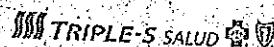
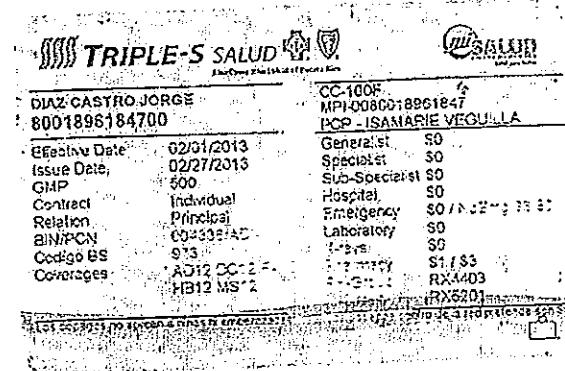
Appendix II:
A.C.A.A.
Card.

ACAA Estado Libre Asociado de Puerto Rico
ADMINISTRACIÓN DE COMPENSACIONES POR ACCIDENTES DE AUTOMÓVILES

Identificación del Lesionado

Apellido Paterno	Apellido Materno	Nombre
10-251028-01	Castro	Edgar
Núm. Reclamaciones		9/21/09
3007-11-021-2934		9/20/11
Núm. Lic. Conducir y/o ID Fotó		Fecha Expiración
<input checked="" type="checkbox"/> A. 2 Años <input type="checkbox"/> B. Extendida		Mayo 2012
Clave Cubierta		Firma
ACAA-000-111 Rev. 12-2007		

Appendix III:
Health Insurance
Card.



United States Court of Appeals For the First Circuit

Appendix IV:
Judgment

Nos. 13-2079; 13-2306

UNITED STATES,

Plaintiff, Appellee,

v.

COMMONWEALTH OF PUERTO RICO, ET AL.,

Defendants,

JORGE DIAZ-CASTRO,

Movant, Appellant.

Lynch, Chief Judge,
Torruella and Kayatta, Circuit Judges.

JUDGMENT

Entered: January 17, 2014

Movant-appellant Jorge Diaz-Castro has appealed pro se from the summary denial of his post-judgment motion to intervene. Plaintiff-appellee, the United States, has moved for summary disposition. We agree with the government that summary affirmance is appropriate as "it clearly appears that no substantial question is presented." 1st Cir. R. 27.0(c).

A. Denial of Motion to Intervene As of Right

"The district court's denial of a motion for intervention as of right lays the foundation for an immediate appeal." Public Service Co. of New Hampshire v. Patch, 136 F.3d 197, 204 (1st Cir. 1998). Review is for abuse of discretion. Id. "[A] would-be intervenor must demonstrate that: (i) its motion is timely; (ii) it has an interest relating to the property or transaction that forms the foundation of the ongoing action; (iii) the disposition of the action threatens to impair or impede its ability to protect this interest; and (iv) no existing party adequately represents its interests. Each of

these requirements must be fulfilled; failure to satisfy any one of them defeats intervention as of right." Ungar v. Arafat, 634 F.3d 46, 50-51 (1st Cir. 2011).¹

To satisfy the Rule's second requirement, "the interest must be direct and 'significantly protectable.' An interest that is too contingent or speculative -- let alone an interest that is wholly nonexistent -- cannot furnish a basis for intervention as of right." Id. at 51-52.

To the extent that Diaz-Castro relies upon his own interests as a lobbyist in support of legislation concerning the police officers, those interests do not "bear a sufficiently close relationship to the dispute between the original litigants." Ungar, 634 F.3d at 51. Neither the complaint nor the Agreement for the Sustainable Reform of the Puerto Rico Police Department directly concerns the subject of the legislation for which Diaz-Castro claims to have lobbied. The concern that the Settlement Agreement will distract the parties from focusing on that legislation constitutes, at best, an indirect and speculative relationship.

To the extent that Diaz-Castro seeks to intervene to represent the interest of a third party (the police officers), he fails to satisfy the requirements for asserting such *jus tertii* claims. For a litigant to bring an action on behalf of a third party, three criteria must be satisfied: "The litigant must have suffered an 'injury in fact,' thus giving him or her a 'sufficiently concrete interest' in the outcome of the issue in dispute; the litigant must have a close relation to the third party, and there must exist some hindrance to the third party's ability to protect his or her own interests." Powers v. Ohio, 499 U.S. 400, 410-411 (1991). While Diaz-Castro expresses concern that the interests of the police officers are not adequately represented, he has not identified an obstacle or hindrance to the officers' asserting their own rights. Nor has he identified an injury in fact that he has suffered in relation to the suit.

Diaz-Castro may not successfully rely upon the police officers' interests in intervening in the suit to establish his right to intervene. He has alleged only that he has lobbied in support of legislation concerning the police officers. That is not sufficient to establish a right to intervene as a representative whose "function [it is] to represent the relevant members' interests in matters of this kind." Cotter v. Massachusetts Ass'n of Minority Law Enforcement Officers, 219 F.3d 31, 36 (1st Cir. 2000); compare United States v. City of Los Angeles, 288 F.3d 391, 399-400 (9th Cir. 2002)(holding that the Police League, which served as designated bargaining unit for police officers, had "a protectable interest" in the merits of the §14141 action and the remedy sought by the United States).

There is no substantial argument that the district court abused its discretion in denying Diaz-Castro's motion to intervene as a matter of right.

¹ Because Diaz-Castro clearly cannot satisfy the second requirement, it is unnecessary to discuss the other requirements. But, this court has noted that "courts have historically viewed post-judgment intervention with a jaundiced eye in situations where the applicant had a reasonable basis for knowing, before final judgment, that its [alleged] interest was at risk." Banco Popular de Puerto Rico v. Greenblatt, 964 F.2d 1227, 1231 (1st Cir. 1992).

B. Permissive Intervention

"Permissive intervention under Rule 24(b)(2) . . . gives the judge discretion to allow intervention 'when an applicant's claim or defense and the main action have a question of law or fact in common.'" Daggett v. Commission on Governmental Ethics and Election Practices, 172 F.3d 104, 112-113 (1st Cir. 1999).

The main action involves allegations "that Defendants engaged in a pattern or practice of unconstitutional and unlawful activity in violation of the First Amendment, the Fourth Amendment, the Fourteenth Amendment, and Section 14141." The parties' Agreement "addresses the necessary changes to the policies, procedures, training, internal and external oversight, disciplinary systems, and information and data integrity mechanisms to ensure the delivery of effective and constitutional police services that protect and guarantee the civil rights of all residents of Puerto Rico." Diaz-Castro has not shown how his claims related to legislation concerning salary increases and a referendum on participation in the federal social security system involve a question of law or fact at issue in the main action.

The district court's denial of Diaz-Castro's motion to intervene is affirmed. See 1st Cir. R. 27.0(c). Appellant's remaining pending motions are denied as moot.

By the Court:

/s/ Margaret Carter, Clerk

cc:

Dennis Dimsey
Nelson Perez-Sosa
Christopher Wang
Jorge Diaz-Castro
Beatriz Annexy-Guevara
Carlos Del Valle Cruz
Frank Inserni-Milam
Gregorio Igartua-de-la-Rosa
Josue Gonzalez-Ortiz

**United States Court of Appeals
For the First Circuit**

Nos. 13-2079; 13-2306

Appendix II:
Order in
denial of
Rehearing.

UNITED STATES,

Plaintiff, Appellee,

v.

COMMONWEALTH OF PUERTO RICO, ET AL.,

Defendants,

JORGE DIAZ-CASTRO,

Movant, Appellant.

Lynch, Chief Judge,
Torruella, Howard, Thompson and Kayatta,
Circuit Judges.

ORDER OF COURT

Entered: March 13, 2014

Currently pending before this court are Diaz-Castro's "En Banc Petition for Writ of Mandamus," "Emergency Supplementary Motion . . . Requesting the Right to be Heard in Oral Argument," and his "Petition for Panel Rehearing and/or Rehearing En Banc," and Memorandum of law in support. We construe the "En Banc Petition for Writ of Mandamus" as supplementing his petition for rehearing and rehearing en banc of our Judgment dated January 17, 2014, summarily affirming the denial of his motion for intervention. To the extent that Diaz-Castro is objecting to the summary disposition of his appeal prior to his having been provided with transcripts of district court proceedings, he has not established that rehearing or en banc review is warranted on that basis.

Even were we to construe that filing as a petition for writ of mandamus, we would not find that Diaz-Castro has satisfied the standard for obtaining mandamus relief. See In re Justices of Superior Court Dept. of Massachusetts Trial Court, 218 F.3d 11, 15 (1st Cir. 2000).

Case: 13-2079 Document: 00116660751 Page: 2 Date Filed: 03/13/2014 Entry ID: 5807658

Nor has petitioner's "Petition for Panel Rehearing and/or Rehearing En Banc" established that there are any relevant points of law or fact that this court overlooked or misapprehended, that our Judgment dated January 17, 2014 conflicts with a decision of the United States Supreme Court or of the First Circuit, or that his case "involves one or more questions of exceptional importance." Fed.R.App.P. 35(b)(1)(B).

The petition for rehearing and for rehearing en banc, having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied. The request "to be heard in oral argument" is also denied.

By the Court:

/s/ Margaret Carter, Clerk.

cc:

Dennis Dimsey
Nelso Perez-Sosa
Christopher Wang
Jorge Diaz-Castro
Beatriz Annexy-Guevara
Carlos Del Valle Cruz
Frank Inserni Milam
Gregoria Igartua-de-la-Rosa
Josue Gonzalez-Oruiz

RIO PIEDRAS STATION
SAN JUAN, Puerto Rico
009259988
4284650303-0095
06/02/2014 (787)788-8268 03:47:27 PM

Sales Receipt
product Sale Unit Final
Description Qty Price Price

@ WASHINGTON DC 20543 \$5.60
Zone-7
Priority Mail 3-Day
Flat Rate Envelope
10.10 oz.
Expected Delivery: Thu 06/05/14
USPS Tracking #:
811491123086154262537
Includes \$0 Insurance

Issue PVI: \$5.60

Total: \$5.60

Paid by:
Cash \$5.60

@ For tracking or inquiries go to
USPS.com or call 1-800-222-1811.

-- Save this receipt as evidence of
insurance. For information on filing
an insurance claim go to
usps.com/shop/file-domestic-claims.htm

Order stamps at usps.com/shop or
call 1-800-Stamp24. Go to
usps.com/clicknship to print
shipping labels with postage. For
other information call
1-800-ASK-USPS.

Get your mail when and where you
want it with a secure Post Office
Box. Sign up for a box online at
usps.com/poboxes.

Bill #:1000503173980
Clerk:08

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

HELP US SERVE YOU BETTER

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POSTAL EXPERIENCE

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Customer Copy

Appendix VI:

U.S.P.S.

Receipt. No. 1

for Priority

Mail Delivery

to the Honorable

U.S. Supreme Court

